UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRADESTATION GROUP, INC. AND
TRADESTATION SECURITIES, INC.
Petitioner

v.

TRADING TECHNOLOGIES INTERNATIONAL, INC.
Patent Owner

Case CBM2015-00172
Patent No. 7,783,556

DECLARATION OF ADAM KESSEL IN SUPPORT OF PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION

DECLARATION OF ADAM KESSEL IN SUPPORT OF PETITIONER'S MOTION FOR *PRO HAC VICE* ADMISSION

I, Adam Kessel, hereby declare the following:

1.   I am a member in good standing of the state Bar for the Commonwealth of Massachusetts, as well as the United States Court of Appeals for the Federal Circuit.

2.   I have not been suspended or disbarred from practice before any court or administrative body.

3.   I have never had an application for admission to practice before any court or administrative body denied.

4.   No sanction or contempt citation has been imposed against me by any court or administrative body.

5.   I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of the Code of Federal Regulations.

6.   I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.* and disciplinary jurisdiction under 37 C.F.R. § 11.19(a).

7.   I am a litigation attorney with more than a decade of experience representing clients in cases involving computer software. I regularly litigate cases before the United States Court of Appeals for the Federal Circuit, various federal district

courts, and the International Trade Commission. Through my practice in such cases, I have gained substantial experience in jury trials, discovery, *Markman* hearings, and appeals. In addition to my legal experience, I had many years of software development experience prior to entering the practice of law. I also have a degree in chemistry from Princeton University. My biography is attached as Exhibit A.

8.   I also have particular experience and familiarity with the substantive and technical issues involved in this Covered Business Method review proceeding. I have been involved in co-pending patent litigation brought by Patent Owner against Petitioner since its inception in June 2010. Over the past five years, I have invested substantial time on Petitioner's behalf on motion practice, discovery, appeals, and analysis of the twelve patents-in-suit, including the patent for which review is sought in the instant proceeding.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: September 28, 2015

/s/ Adam J. Kessel
Adam Kessel
Fish & Richardson P.C.
One Marina Park Drive
Boston, MA 02210
Tel: (617) 542-5070
Email: kessel@fr.com

FISH.
FISH & RICHARDSON

Adam Kessel

Principal

⚲ Boston, MA   ✆ 617-368-2180   ✉ kessel@fr.com

Background

Adam Kessel is a Principal in the Boston office of Fish & Richardson. His practice focuses on intellectual property litigation, particularly cases involving software and electronics. He also specializes in open source and other software licensing. He has substantial courtroom and trial experience, including work on several cases at trial and on appeal in the Federal Courts and International Trade Commission. He also handled nearly 200 criminal cases as a "lawyer on loan" to the Suffolk County District Attorney's Office (2009-2010), several of which he took to trial as first chair.

Mr. Kessel has previous IP law firm experience, and served as a Judicial Intern for the Late Honorable Reginald Lindsay of the United States District Court for the District of Massachusetts (2003), as well as a Legal Intern for the Electronic Privacy Information Center (2002). Prior to law school, Mr. Kessel had many years of consulting experience in web and database programming (1990-2004), and also worked as a Lab Associate in a biochemistry lab at the University of Vermont Medical School (1997). Mr. Kessel also held a position at the Center for Neighborhood Technology as a Researcher, where he worked on policy issues.

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- Litigation
- Domain Names & Internet
- Digital Millennium Copyright Act
- Strategic Counseling, Registration, and Opinions
- Transactions and Agreements
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- Patent Litigation
- Trade Secret Litigation
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